

App. No.: 10/801,443
Art Unit: 1624

RECEIVED
CENTRAL FAX CENTER

NOV 27 2006

REMARKS

Applicants have received and reviewed an Office Action dated July 25, 2006. In response, Applicants have amended the specification and claims 1, 3-12, 17-18, 25-27, 31, 34-35, 38-39, and 41-42. The specification has been amended to include a structural representation of an embodiment of the mixed anhydride that is described in the application as filed. No new matter has been added. Claims 1, 3-28 and 31-42 are pending. Applicants submit that the pending claims are supported by the specification and original claims.

For the reasons given below, Applicants submit that the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

Amendments to the Specification

Amendments to insert structural formula IIIa were made to the paragraph beginning at page 4, line 15 and ending at page 5, line 7; the paragraph beginning at page 8, line 20 and ending at page 10, line 4; the paragraph beginning at page 17, line 15 and ending at page 18, line 15; and the paragraph beginning at page 18, line 16 and ending at page 20, line 4. Structural formula IIIa represents the anhydride formed by reacting an N-substituted- α -amino-p-hydroxyphenyl acetic acid or its salt with any one of several of the individual or categories of acylating agents disclosed in the specification as filed.

For example, the specification as filed describes acylating agents including:

"aliphatic, alicyclic or aromatic acids e.g. acid halogenides such as pivaloyl chloride and benzoyl chloride, and esters such including chloroformic acid alkyl esters, such as ethyl chloroformate" (at least at page 21, lines 20-28); and

"reactive forms of aliphatic, alicyclic, or aromatic acids such as chloroformic acid, benzoic acid, pivalic acid and 2-ethylhexanoic acid. The reactive forms of these acids include their esters such as ethyl chloroformate, isobutyl chloroformate and their halogenides like pivaloyl chloride, 2-ethyl-hexanoyl chloride and benzoyl chloride." (at least at page 22, lines 11-16).

At least the "aliphatic, alicyclic or aromatic acids e.g. acid halogenides such as pivaloyl chloride and benzoyl chloride" and the "reactive forms of aliphatic, alicyclic, or aromatic acids such as chloroformic acid, benzoic acid, pivalic acid and 2-ethylhexanoic acid and halogenides like pivaloyl chloride, 2-ethyl-hexanoyl chloride and benzoyl chloride" in the reactions described in the specification yield the mixed anhydride of formula IIIa. For example, the reaction product of the acid or its salt with pivaloyl chloride would necessarily result in a mixed anhydride of

App. No.: 10/801,443
Art Unit: 1624

formula IIIa in which R1 is a t-butyl group. The reaction product of the acid or its salt with ethyl chloroformate would result a mixed anhydride of formula III in which R1 is an ethyl group. Accordingly, these amendments to the specification merely incorporate a structural formula for mixed anhydride products already described in the application as filed.

Amendments to the paragraph beginning at page 26 line 16 and ending at page 26 line 27; and the paragraph beginning at page 27, line 25 and ending at page 28, line 9 incorporate changes to appropriately reference an earlier step of experimental section. Thus, Step C of Example 1 now refers to the mixed anhydride product which is the product of Step A of Example 1. Similarly, Step C of Example 2 now refers to the mixed anhydride product which is the product of Step A of Example 2. No new matter has been added.

The remaining amendments to the specification are editorial in nature. No new matter has been added.

Rejections Under 35 U.S.C. § 112, First and Second Paragraphs

The Examiner rejected claims 1, 3-28, 31-33, and 36-42 under 35 U.S.C. § 112, first and second paragraphs. The Office Action objects to certain terms and phrases employed in the claims. Applicants respectfully traverse this rejection.

The Office Action objects to the term "suitable" in claims 1, 3, 34, 35, 41, and 42. The claims no longer include this term.

The Office Action asserts that the specification includes acylating agents that would not yield a mixed anhydride represented by formula III. The acylating agents and reactions described in the specification as filed yield mixed anhydrides of formulas III and IIIa. Based on this description in the application as filed, the specification and claims have been amended to include structural formula IIIa.

Accordingly, the amended claims fully comply with 35 U.S.C. § 112, first and second paragraphs, and withdrawal of this rejection is respectfully requested.

Claim Objections

The Examiner objected to claims 41 and 42 (which depend from claims 9 and 10, respectively) for reciting acylating agents not found in claims 9 and 10. Claims 9 and 10 now include antecedent basis for claims 41 and 42, respectively.

App. No.: 10/801,443
Art Unit: 1624

Accordingly, Applicants respectfully request withdrawal of this objection.

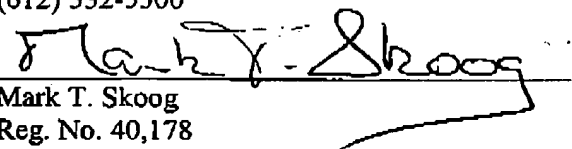
Conclusion

In summary, Applicant submits that each of claims 1, 3-28 and 31-42 is in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this patent.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 27, 2006


Mark T. Skoog
Reg. No. 40,178